IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

OP.No. 5819 of 2002(P)

PETITIONERS:
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1. **A.GANAPATHY,"SAPHALYAM",AMMAN NAGAR, KARAKULAM P.O.,THIRUVANANTHAPURAM.**

2. **SMT.AJITHA VIJAYAN,KODIYIL HOUSE, VENNIKODE P.O.,VARKALA.**

BY ADV. SRI.C.P.SUDHAKARA PRASAD (SR.)
SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SRI.P.N.SANTHOSH
SRI.S.D.ASOKAN

RESPONDENTS:
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1. **STATE OF KERALA,REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF COLLEGIATE EDUCATION, THIRUVANANTHAPURAM.**

3. **THE KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY,PATTOM, THIRUVANANTHAPURAM.**

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SMT.SMITHA SUKUMARAN
BY ADV. SRI.ALEXANDER THOMAS

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/10/2007, ALONG WITH OP NO. 4079 OF 2003 WPC NO. 16943 OF 2003 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.5819/2002

ORDER ON CMP. NOS.10319/02 IN IA. IA. NO.12818/04 IN I.A. NO.13546/07 IN OP./NO.5819/2002

DISMISSED

16.10.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MA., MED AND NET CERTIFICATES ISSUED TO IST PETITIONER .

EXT.P2:- COPY OF THE MA., MED AND NET CERTIFICATES ISSUED TO 2ND PETITIONER.

EXT.P3:- COPY OF THE REGULATIONS ISSUED BY UNIVERSITY OF KERALA.

EXT.P4:- COPY OF THE REGULATIONS ISSUED BY KERALA UNIVERSITY PUBLISHED IN GAZETTE DT. 26.1.93.

EXT.P5:- COPY OF THE ORDER DT. 24.6.93 ISSUED BY MAHATMA GANCHI UNIVERSITY.

EXT.P6:- COPY OF THE GO DT. 27.3.90 ALONG WITH THE RELEVANT EXTRACT OF ANNEXURES.

EXT.P7:- COPY OF THE SPECIAL RULES ISSUED AS PER GO DT. 21.3.94.

EXT.P8:- COPY OF THE NOTIFICATION PUBLISHED IN THE MATHRUBHUMI DT. 22.12.02.

EXT.P9:- COPY OF THE MEMO DT. 6.11.02 ISSUED BY THE 3RD RESPONDENT.

EXT.P10:- COPY OF THE REGULATIONS ISSUED BY THE U.G.C. AS PER NOTIFICATION NO.F1-1-11/87/(CPP) DT. 19TH SEPTEMBER 1991.

/TRUE COPY/

P.A. TO JUDGE

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THOTTATHIL B.RADHAKRISHNAN, J.

O.P.NOs.5819 OF 2002 & 4079 OF 2003
& W.P(C).No.16943 OF 2003

Dated this the 16th day of October, 2007

JUDGMENT

Except one who desires to be a lecturer in Social Studies, the petitioners in these cases aspire to be appointed as lecturers, either in Education Technology or in Foundation of Education, in the Training Colleges governed by the Kerala Collegiate Education Service Rules, 1994.

2. In terms of those rules, one has to possess Masters degree in the concerned subject or discipline with at least 55% marks or its equivalent and good academic records, as also an M.Ed. degree with knowledge of special methods of teaching the subject, for appointment by direct recruitment. While it is not insisted that the candidate should have a minimum percentage of marks for the M.Ed. degree, the Masters Degree in the concerned subject or discipline should be with 55% marks.

3. The issue that arises for decision is as to whether the aspirants for the posts of lecturers in Education Technology and in Foundation of Education, identified at category Nos.115/01 and 118/01 in Ext.P8 notification in O.P.No.5819/02, are required to possess a Post Graduate degree other than M.Ed. degree, or, if they possess M.Ed. degree with such subjects and have scored more than 55% marks, would they be within the zone of consideration.

4. As rightly pointed out by the learned counsel for the petitioners, there is some amount of ambiguity in the rules, because, if it is to be taken that the candidates for those subjects also have to possess a Post Graduate degree with 55% marks apart from the M.Ed. degree, then, one has to search a Post Graduate degree in that subject, other than M.Ed. degree. This, apparently, is not available in any of the Indian Universities, as are now brought to the notice of this Court.

5. In the aforesaid circumstances, it is the minimum requirement that the Government takes up the aforesaid issue and render a decision thereon, particularly when it is the plea of the Government, in this case, that this is a matter of policy of the Government.

6. In so far as Social Studies is concerned, what is required is an M.Ed. degree and a Post Graduate degree in the concerned subject or the discipline. Therefore, that issue would stand regulated accordingly.

7. As regards the applicability of the U.G.C. norms, as laid down by the Division Bench of this Court in **S.N.College** v. **N.Raveendran** [2001 (3) KLT 938], such conditions can be insisted upon only when the special rules also incorporate those qualifications.

In the light of what is aforesaid, these writ petitions are disposed of directing that the issues referred in this judgment

shall gain attention of the Government and a decision shall follow, in consultation with the Kerala Public Service Commission, within an outer limit of three months from the date of receipt of a copy of this judgment. It would also be ensured that no fresh notification inviting applications shall be issued before a decision is rendered by the Government, as directed above.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NOs.5819/02, 4079/03
& WPC.16943/03

JUDGMENT

16th OCTOBER, 2007.

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